

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

In re:
KING AND MARYDEL RIVES
Debtors.

**CASE NO.: 15-03653-5-SWH
CHAPTER: 13**

**DEBTORS' RESPONSE TO TRUSTEE'S OBJECTION
TO CONFIRMATION AND MOTION TO DISMISS**

NOW COME the Debtors, by and through their attorney, Weik Law Office, P.C., and hereby state the following in response to the *Trustee's Objection To Confirmation and Motion To Dismiss* September 2, 2015:

1. On July 2, 2015, the Debtors filed a Chapter 13 voluntary petition in the Eastern District of North Carolina.
2. On September 2, 2015, the Chapter 13 Trustee filed a Motion To Dismiss, stating that "The Debtors are delinquent in the amount of \$3,1250.00, or 2.00 payments." The Motion To Dismiss also states that "The Debtors have made no payments to the Trustee since the filing of the Petition."
3. The Debtors admit that on the date of the Trustee's Motion to Dismiss, they were delinquent in their Chapter 13 Plan payment obligations in the amount of \$3,125.00. Said delinquency includes the Debtors' September 2015 Chapter 13 Plan payment of \$1,575.00.
4. The Debtors admit that they have made no payments to the Trustee since the filing of the Petition. Immediately upon the filing of the Chapter 13, the Debtors moved into a new house. The Debtors paid a substantial amount for deposits and utilities, and were unable to pay the Chapter 13 Trustee. The female Debtor was also recently diagnosed with cancer.
5. The Debtors' new rental amount is \$1,300, which is \$100 less than they were paying at their previous residence. The Debtors are confident they can continue with their Chapter 13 payments, as required under the Plan from this point forward.
6. The Debtors propose the following to cure the delinquency to her Chapter 13 Plan:
 - a. On **October 2, 2015**, the Debtors will submit their September 2015 Chapter 13 Plan payment in the amount of **\$1,575.00** to the Chapter 13 Trustee. *In the event said payment is not received by the Chapter 13 Trustee within five (5) days of the*

due date, then the Debtors' case will be automatically dismissed, without further hearing or notice.

- b. Beginning in **October of 2015**, and continuing through **March of 2016**, in addition to their regular monthly Chapter 13 Plan payment, the Debtors will submit an additional \$263.00 per month to the Trustee, in order to fully cure the delinquency to their Chapter 13 Plan. The Debtors' total monthly Chapter 13 Plan payments will be increased to **\$1,838.00** per month.
- c. Beginning in **April of 2016**, the Debtors will resume their regular Chapter 13 Plan payments in the amount of **\$1,575.00** per month.
- d. In the event the Debtors fail to make any regular monthly payment or cure payment within thirty (30) days of the due date, the Debtors' case shall be automatically dismissed, without further hearing or notice. The Debtors request that this "drop- dead" provision terminate within six (6) months, commencing with the payment that becomes due on **October 1, 2015** and continuing through **March of 2016**.

WHEREFORE, the Debtors respectfully pray that this Honorable Court deny the *Trustee's Objection To Confirmation and Motion To Dismiss*, allow a Consent Order be entered resolving this matter, and for such additional relief which is deemed just and proper in the premises.

Respectfully Submitted,

Dated: September 24, 2015

/s/ Terri Weik
Terri Weik (State Bar # 37921)
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CERTIFICATE OF SERVICE

I, Alexis Dwyer, of Weik Law Office, P.C., do hereby certify under penalty of perjury, that I am, and at all times hereinafter mentioned, was more than eighteen (18) years of age; and that on September 24, 2015, I served copies of the foregoing *Response To Trustee's Objection To Confirmation and Motion To Dismiss* upon the following parties:

John F. Logan (Chapter 13 Trustee)
Via automatic electronic noticing

King and Marydel Rives (Debtor)
Via e-mail to kingrives@hotmail.com; marydelrives@gmail.com

/s/ Alexis Dwyer
Alexis Dwyer